STATE OF ARIZONA

STATE OF ARIZONA FILED

DEPARTMENT OF INSURANCE

APR 2 1 1998

DEPT. OF INSURANCE BY_____

In the Matter of:)	
)	Docket No. 98A-047-INS
HEARTLAND INSURANCE COMPANY)	
OF AMERICA (NAIC NO. 42870))	SUSPENSION ORDER
)	
Respondent.)	
•		

Upon information obtained by the Assistant Director of the Corporate and Financial Affairs

Division of the Arizona Department of Insurance, the Director of Insurance ("Director") makes the
following findings of fact, conclusions of law and issues the following order:

- 1. Heartland Insurance Company of America ("Respondent") is domiciled in Illinois and presently holds a certificate of authority issued by the Arizona Department of Insurance ("Department") to transact property and casualty insurance business.
- 2. Respondent failed to file an annual statement of its financial condition, transactions and affairs as of December 31, 1997, on or before March 31, 1998, as required by A.R.S. §20-223(A).
- 3. Respondent has not paid the certificate of authority fee denominated a renewal fee in A.R.S. §20-167 at the time provided in A.R.S. §20-223.
- 4. Respondent has not filed the premium tax report for the calendar year 1997 on or before March 1, 1998, as required by A.R.S. §20-224.
- 5. Respondent has not filed a Certificate of Disclosure Form E178 in accordance with A.R.S. §20-233.

- 6. Respondent has not filed its Annual statement with the National Association of Insurance Commissioners on or before March 1, 1998, as required by A.R.S. §20-234.
- 7. Respondent's failure to pay the certificate of authority fee requires the Director to suspend or revoke Respondent's certificate of authority pursuant to A.R.S. §§20-217(E) and 20-219(1).
- 8. Grounds exist for the Director to refuse to renew, revoke or suspend Respondent's certificate of authority pursuant to A.R.S. §§20-220(A)(1) and 20-223(C).
- 9. The public health, safety, and welfare imperatively require emergency action, within the meaning of A.R.S. §41-1064(C).

IT IS HEREBY ORDERED, that Respondent's certificate of authority to transact insurance in Arizona is suspended effective this date.

DATED this 20 day of April , 1998.

JOHN A. GREENE Director of Insurance

NOTICE

The determination set forth in this order is an "appealable agency action" pursuant to A.R.S. §41-1092. Consequently, you have the right to obtain a hearing on this determination by filing a Notice of Appeal within thirty (30) days after your receipt of this order. If you Notice of Appeal is received after that thirty (30) day period, it will not be accepted without a demonstration of good cause for the late filing. The Notice of Appeal must identify the party appealing, the party's address, the determination being appealed, and must contain a concise statement of the reasons for the appeal. Your hearing will be held within sixty (60) days after your Notice of Appeal is filed, unless the hearing is advanced or delayed

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by agreement or a showing of good cause by any party. The Department of Insurance will serve a Notice of Hearing at least thirty (30) days before the hearing, which will inform you of the date, time and location of the hearing as well as the issues in controversy.

If you file a Notice of Appeal, you may also request an Informal Settlement Conference by filing a written request no later than twenty (20) days before the schedule hearing. The conference will be held within fifteen (15) days of your request. If an Informal Settlement Conference is requested, a person with authority to act on behalf of the Department of Insurance will be present. Please note that you waive any right to object to the participation of the Department's representative in the final administrative decision of the matter if it is not settled.

The Notice of Appeal and request for Informal Settlement Conference described above may be addressed to:

Deputy Director Arizona Department of Insurance 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018 Attn: Hearing Administration

COPY of the foregoing mailed/delivered this 21stday of <u>April</u>, 1998, to:

Ron Baca, President Heartland Insurance Company of America 5600 Wyoming Northeast, Suite 150 Albuquerque, NM 87109

Donald Meyers 3003 North Central Ave., Suite 2110 Phoenix, AZ 85012

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Charles R. Cohen, Deputy Director
Catherine M. O'Neil, Assistant Director
Gary A. Torticill, Assistant Director/Chief Examiner
Scott B. Greenberg, Business Administrator